

**JURY SELECTION PLAN
FOR THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS
(As Amended Through October 2012)**

- A. **Responsibility for Plan Operation:** Jurors will be selected by the Clerk of Court (Clerk) in accordance with this Jury Plan and under the guidance of the Chief Judge.
- B. **Sources of Names for Master Jury Wheel:** The judges of the Court find, pursuant to 28 U.S.C. § 1863(b) (2) that while the Registered Voters Master File of the D.C. Board of Elections represents a fair cross-section of the community in this district, an even greater number of citizens will be eligible for jury service if supplemental sources are also employed. In order to broaden the base from which potential jurors shall be chosen, the Court approves a source list compiled by merging the Registered Voters Master File of the D.C. Board of Elections or its supporting computer tape file, the computer tape file maintained by the D.C. Department of Motor Vehicles of individuals 18 years and older who hold a driver's license, learner's permit, or valid identification card issued by the D.C. Department of Motor Vehicles, and the list of all individuals of the District of Columbia whose income tax forms are filed with the D.C. Department of Finance and Revenue. This merged list will hereafter be referred to as the "Source List."
- C. **Detailed Randomization Procedures:** The judges of the Court find it advantageous to use a properly programmed electronic data processing system to maintain the master jury wheel and perform other clerical services related to the jury system. Accordingly, the Court authorizes the Clerk to make such arrangements and procure such assistance as necessary to establish an electronic data system, or a combination manual and electronic records system, to perform, in a manner that complies with the formula for the method and manner of random selection of jurors, the following functions:
- merger of the D.C. Board of Elections' Registered Voters Master File, the D.C. Department of Motor Vehicles file of individuals 18 years and older who hold a driver's license, learner's permit, or valid identification card issued by the D.C. Department of Motor Vehicles, and the list of all individuals of the District of Columbia whose income tax forms are filed with the D.C. Department of Finance and Revenue. This merged list will hereafter be referred to as the "Source List."
 - selection of names from this merged source list for inclusion in the master wheel
 - selection of names from the master wheel for automatic addressing of jury questionnaires/summonses
 - storing of names and addresses in the master jury wheel, in such physical forms as magnetic tapes, or magnetic disks
 - preparing lists of juror names and other records as are needed or required by law
- D. **Master Jury Wheel:** At the Clerk's option, and after consultation with the Court, the selection of names from complete source list databases in electronic media for the master jury wheel may be accomplished by a purely randomized process through a properly

programmed electronic data processing system. Similarly, at the option of the Clerk and after consultation with the Court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master jury wheel for the purpose of summoning persons to serve as grand or petit jurors. Such random selections of names from the source lists for inclusion in the master wheel by data computer personnel must result in the drawing of names proportionally representing a cross-section of all parts of the District of Columbia. The selections of names from the source list and the master wheel must ensure that the mathematical odds of any single name being picked are substantially equal. The random selection procedure is applicable to all drawings.

According to 28 U.S.C. § 1863 (b)(4), the chief judge of the district court, or such other district court judge as the plan may provide, may order additional names to be placed in the master jury wheel from time to time as necessary. The plan shall provide for periodic emptying and refilling of the master jury wheel at specified times, the interval for which shall not exceed four years.

1. Volume of Names to be Taken

For the first drawing of names for the master wheel the total quantity of names taken shall be sufficient to satisfy estimated juror needs for at least the ensuing six months, but may cover needs of up to at least two years, not to exceed four years, should the Clerk so decide. In no event, however, should the quantity of names placed in the master jury wheel be less than 1, 000 or more than 700,000.

2. Selection, Completion of Juror Qualification Questionnaire

The Clerk shall prepare through the Jury Management System (JMS) and have mailed to every person whose name is so drawn, a juror qualification questionnaire form and summons accompanied by instructions to execute and return the questionnaire (either by mail or through the court's internet website) to the Clerk within five days, in accordance with 28 U.S.C. §1864 (a). If the person is unable to fill out the form, another shall prepare it and indicate the reason therefor. At the time of a person's appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the Clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to the person's responses to questions contained on the form.

3. Emptying and Replenishing the Master Jury Wheel

The Jury Plan's policy is to permit a reasonable margin of flexibility in the time chosen for the emptying and replenishing of the master wheel. The decision as to exact timing shall be made by the Clerk, based primarily upon the Clerk's judgment and knowledge of three principal factors: (1) when the supporting files of the source list are next to be updated; (2) how many names in the master wheel would have to be thrown out; and (3) the need for current names and addresses. In any event, the wheel should be emptied and replenished at least every two years and supplemented as needed.

When the master wheel is emptied, the existing qualified wheel will continue to be used until an adequate number (to be determined by the Clerk) of persons from the new master wheel have been qualified. At that time, the old qualified wheel will be emptied and a new qualified wheel created.

- E. Drawing of Names from the Master Jury Wheel:** Pursuant to 28 U.S.C. § 1878, the court uses a one-step procedure to qualify and summon jurors. From time to time as the need arises, the Clerk shall cause to be drawn from the master wheel, by electronic data processing procedures, the names and addresses of persons to whom questionnaires and summonses will be sent for the purpose of examining their qualifications for jury service.

Determination of the number of names to be drawn shall be based upon anticipated juror needs. The list of names may not be disclosed to any person except pursuant to this plan or pursuant to 28 U.S.C. § 1867 or 1868

- F. Assignment of Petit Jury Panels:** Persons will be summoned, qualified, and assigned for petit jury service in the district where their names are drawn from the master jury wheel. However, if after summoning, it appears that a juror has changed residency to another state, he or she will be disqualified to serve.

- G. Grand Juries:** When grand jurors are required, the clerk will order the drawing from the master jury wheel the total number of grand jurors needed to be qualified and summoned. The clerk will send grand juror qualification questionnaires and summonses to these persons. The grand jury pool shall constitute the grand jury panel.

1. The grand jury shall serve until discharged by the court. The term of service shall not exceed eighteen months unless otherwise extended by the court for up to an additional six months.
2. When the grand jurors appear before the court, the chief judge will draw names at random until a total of 23 members are empaneled as provided by law. The remaining members will be selected as alternates. The names of those not empaneled or not selected as alternates will be returned to their respective master jury wheels for subsequent jury drawings in accordance with this plan.

- H. Qualifications for Jury Service:** The chief judge of the district court, or any other judge presiding over a jury trial, or the clerk under supervision of the court will determine solely on the basis of information provided on the juror qualification questionnaire and other competent evidence whether a person is disqualified, excluded, exempt, or excused from jury service. The clerk will enter a determination in the space provided on the juror qualification questionnaire and in the computer system.

In making such determination, the chief judge of the district court, or any such presiding judge, or the clerk under supervision of the court, shall deem any person qualified to serve on grand and petit juries in the district court unless he:

- a. is not a citizen of the United States, eighteen years old, or has not resided for a period of one year within the judicial district;
- b. is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification questionnaire;
- c. is unable to speak the English language;

- d. is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- e. has a felony charge pending against the person, or the person has been convicted of, in a state or federal court, a crime punishable by imprisonment for more than one year and the person's civil rights have not been restored.

1. Persons Exempted From Jury Service: The following classes of persons shall be exempt from jury service, it being found that such exemptions are in the public interest and are consistent with 28 U.S.C. § 1861 and 1862:

- a. Members in active service in the Armed Forces
- b. Members of the fire and police departments of the United States and the District of Columbia
- c. Public officers in the executive, legislative or judicial branch of the government of the United States, or government of the District of Columbia, who are either elected to public office or directly appointed by one elected to office

2. Grounds for Excuse: The following classes of persons shall be excused from jury service when the individual requests to be excused, if it is found that jury service by such classes would entail undue hardship or extreme inconvenience to the members thereof, and excuse of members thereof would be consistent with 28 U.S.C. § 1861 and 1862:

- a. Persons over 70 years of age
- b. Persons who have served as grand or petit jurors in the U.S. District Court for the District of Columbia within two years as specified in 28 U.S.C. § 1866(e)
- c. Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a "public agency"

3. Persons Excluded From Jury Service: Pursuant to the provisions of 28 U.S.C. § 1866(c), any prospective juror who has been summoned for jury service may be excluded by the court upon the following grounds:

- a. That such person may be unable to render impartial jury service;
- b. That the service of such person as a juror would likely disrupt the proceedings;
- c. That such person should be excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or

- d. That the court has determined that the service of such person as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations

4. **Temporary Excuse for Jury Service:** In addition to the members of classes or groups excused from jury service upon a request as provided in (2), any person summoned for jury service may be temporarily excused upon a showing of undue hardship or extreme inconvenience. At the conclusion of a juror's temporary excuse period, he or she will either be summoned again for jury service or his or her name will be reinserted into the master jury wheel for possible re-summoning.

I. **Maintenance of Records:** The contents of the master jury wheel and the qualified jury wheel which have become inactive as hereinbefore stated and all related records regarding the qualifications, selection, and use of jurors shall be preserved by the Clerk for a period of four years from the date of inactivity and be available for public inspection in that office during regular business hours for the purpose of determining the validity of the selection of any jury.

J. **Court Orders:** Any currently effective order of the Court granting authority to the Clerk to exempt and excuse persons in the categories specified above from service as grand or petit jurors and to grant temporary excuses to prospective grand and petit jurors on the grounds of undue hardship or extreme inconvenience is made a part hereof.

K. **Public Disclosure of Jury Information**

1. **Petit Jurors**

Names of prospective and sitting petit jurors shall not be disclosed to the public outside of open court, except upon order of the court. A request for disclosure of petit juror names to the public must be made to the presiding judge.

2. **Grand Jurors**

As proceedings involving a grand jury are secret and records, orders and subpoenas relating to grand jury proceedings are maintained under seal, the release of information involving the identity of grand jurors to the public or to the media may present significant issues which impede or distract from the investigative nature of the grand jury impaneled. As such, it is the policy pursuant to this Plan not to disclose to the media or to the public the names, the address or the telephone number of any member of a grand jury which is actively impaneled. Should a request for information concerning the identity of a grand juror arise, the Court will determine whether the disclosure of personal information involving grand jury members is warranted, consistent with the provisions of Rule 6(e), FED R. Crim. P. and 28 U.S.C. § 1867 (f).